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SPHERION ATLANTIC ENTERPRISES LLC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

PHILIP J. MARTINET, Individually, On Behalf of All Others Similarly Situated, and on Behalf of the General Public, Plaintiff, v. SPHERION ATLANTIC ENTERPRISES LLC, a Delaware Limited Liability Company; and DOES 1 through 50, inclusive, Defendant.	Case No. 07 CV 2178 W (AJB) **DEFENDANT SPHERION ATLANTIC ENTERPRISES LLC'S NOTICE OF MOTION AND MOTION FOR A PROTECTIVE ORDER PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(c)** **Date:** **May 16, 2008** **Time:** **10:00 a.m.** **Courtroom:** **A – First Floor** **Judge:** **Hon. Anthony J. Battaglia**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 16, 2008, at 10:00 a.m., or as soon thereafter as the matter may be heard before the Honorable Anthony J. Battaglia, United States District Magistrate Judge, in Courtroom A of the above-entitled Court located at 940 Front Street, San Diego, CA 92101-8900, defendant Spherion Atlantic Enterprises, LLC ("Spherion") will and hereby does move for a protective order pursuant to Federal Rule of Civil Procedure 26(c), on the grounds that good cause exists for the court to issue an order to protect Spherion from oppression, undue expense, and undue burden which would result if Spherion was required to respond to class-wide discovery in this lawsuit. Spherion seeks the issuance of a protective order under Rule 26(c) forbidding or prescribing state-wide and/or class-wide discovery plaintiffs have propounded or intend to propound in the future.

This motion is made on the grounds that there is good cause for a protective order prohibiting class-wide discovery because plaintiff cannot make a prima facie showing of the Rule 23 class-action requirements or show that class discovery is likely to substantiate his class allegations. The class-wide discovery that plaintiff has propounded (and intends to propound) would require a burdensome and oppressive undertaking that would cost Spherion hundreds of thousands of dollars and tens of thousands of man hours. In addition, class-wide discovery plaintiff has propounded violates the privacy rights of thousands of Spherion employees.

The motion will be based on this Notice of Motion and Motion; the Memorandum of Points and Authorities; the declarations of Brandon R. McKelvey, Joan Orzo, Scott Holland, Alfredo Echeverria, and Joel Scully and exhibits thereto; the pleadings and papers filed herein; and other oral or documentary evidence as the Court deems necessary at the hearing of this matter.

DATED: April 18, 2008

SEYFARTH SHAW LLP

BY______________________________
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SPHERION ATLANTIC ENTERPRISES LLC;
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